



STATE OF INDIANA  
OFFICE OF THE GOVERNOR  
State House, Second Floor  
Indianapolis, Indiana 46204

Eric J. Holcomb  
Governor

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August 31, 2018

**VIA ELECTRONIC MAIL ONLY**

Email: [dstevens@campaignforaccountability.org](mailto:dstevens@campaignforaccountability.org)

Daniel Stevens  
Campaign for Accountability

**Re: Public Records Request 18-35**

Dear Mr. Stevens:

The Office of Governor Eric J. Holcomb (the “Governor’s Office”) is in receipt of your request for public records that was sent pursuant to Indiana’s Access to Public Records Act (“APRA”). Specifically, you submitted a request for:

*Copies of all communications, meeting notices, meeting agendas, informational materials, talking points, or other materials received by the Office from, sent by the Office to, or exchanged between the Office and either (or both) of Indiana Right to Life, an Indiana non-profit entity, or Mike Fichter, the President and Chief Executive Officer of Indiana Right to Life, as well as communications between or among any representatives of the Office regarding Indiana Right to Life or Mike Fichter. This request is for records from January 1, 2014 through the present.*

Upon further review of your records request, our office has determined that clarification is needed before we can begin searching for the records. As you may know, APRA requires a request for public records to be made with “reasonable particularity.”<sup>1</sup> Indiana’s Public Access Counselor (“PAC”) has published numerous advisory opinions on reasonable particularity, which is necessary for an agency to accurately and efficiently locate and disclose records responsive to the request. The request should adequately identify the particular type of communication sought after. For e-mail communication, the PAC generally advises that a request outline a specifically named sender and recipient, date range of less than six months, and search terms.<sup>2</sup> Currently, your request lacks several of these requirements. The purpose of providing a set of specific search terms is to “prevent[] a ‘fishing expedition’ and prevent[] a requester from casting a wide net to capture a

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<sup>1</sup> See Ind. Code § 5-14-3-3(a).

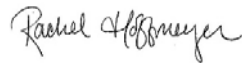
<sup>2</sup> Advisory Opinion of the Public Access Counselor 16-FC-128.

voluminous amount of emails. A requester should have done enough leg work to know the lanes of email traffic between communicators.”<sup>3</sup> As even a small records request can yield a very large number of documents, the PAC also recommends that document searches start small. This allows the agency to more quickly locate responsive records and it allows the requester to follow up with subsequent records requests as needed.<sup>4</sup> Therefore, we ask that your records request be amended to comply with the legal requirement of reasonable particularity as outlined by the PAC. To be clear, the Governor’s Office is not denying your request; to the contrary, this office merely asks that the request be amended to satisfy legal requirements under APRA.

After receipt of your amended request that meets APRA’s requirements, responsive records will be identified and gathered. It may be that some records will be produced subject to redaction and other documents may be withheld as permitted by applicable law. Pursuant to Indiana Code section 5-14-3-3, all disclosable records will be provided in a reasonable period of time.

If you have any questions regarding this request, please do not hesitate to contact our office.

Sincerely,



Rachel Hoffmeyer  
Press Secretary  
Office of Governor Eric J. Holcomb

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<sup>3</sup> Advisory Opinion of the Public Access Counselor 16-FC-150.

<sup>4</sup> Advisory Opinion of the Public Access Counselor 16-FC-109, 110 (Consolidated) (2016).